



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

PART V EXTRAORDINARY

No.37

AMARAVATI, THURSDAY, NOVEMBER 14, 2024

G.653

**STATUTORY NOTIFICATIONS OF THE ELECTION COMMISSION OF
INDIA AND OTHER ELECTION NOTIFICATIONS**

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**NOTIFICATIONS BY GOVERNMENT
GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT**

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**RESCISSION OF NOTIFICATION NO.100/AP-LC/10/2024-LAC, DATED 04.11.2024
FOR BYE-ELECTION TO THE ANDHRA PRADESH LEGISLATIVE COUNCIL
FROM VIZIANAGARAM LOCAL AUTHORITIES' CONSTITUENCY.**

(Memo.No.7098/Elecs.D/2024-30, Office of the Chief Electoral Officer, Andhra Pradesh, Dated:14.11.2024)

The following notification of the Election Commission of India, No.100/AP-LC/10/2024-LAC, dated 14th November, 2024 / Kartika 23, 1946 (Saka) is published:-

NOTIFICATION

No.100/AP-LC/10/2024-LAC: - WHEREAS, a casual vacancy was occurred in Andhra Pradesh Legislative Council from Vizianagaram Local Authorities' Constituency due to disqualification of Sh. Indukuri Raghu Raju *vide* Order dated 03rd June, 2024 of the Chairman, Andhra Pradesh Legislative Council; and

WHEREAS, the remaining term for the said seat is upto and including 01st December, 2027; and

WHEREAS, Sh. Indukuri Raghu Raju, against the said disqualification Order, filed a Writ Petition No. 13089/2024 dated 19th June, 2024 in High Court of Andhra Pradesh; and

WHEREAS, on 26th June, 2024. the Hon'ble High Court directed the Election Commission not to issue any notification for conduct of election from Vizianagaram Local Authorities' Constituency for a period of six weeks; and

WHEREAS, the matter was again taken up for hearing on 23rd October, 2024 and the matter was posted to 06th November, 2024 for filing of counters by the other respondents and treated it as last chance for filing the counters and the bench of the Hon'ble High Court indicated that the matter would be heard finally if no counters were filed; and

WHEREAS, the Hon'ble Supreme Court in '*ECI vs Bajrang Bahadur Singh & Ors*', has *inter-alia*, specified (i) a period of 8 weeks from the date of disqualification for the aggrieved person to approach the High Court, followed by (ii) a period of 8 weeks for the Court to dispose of the case, thus allowing the Election Commission at least (iii) a period of 8 weeks to conduct a bye-election, if necessary; and

WHEREAS, as mandated under Section 151A of the Representation of the People Act, 1951, the Election Commission is required to hold the said bye election within six months from date of occurrence of said vacancy and in the instant case, the said period is upto and including 02nd December, 2024; and

WHEREAS, the matter was subjudice, the Election Commission did not wait for the hearing to be held on 06th November, 2024, as waiting for the next hearing on 06th November, 2024 would have rendered it infeasible to abide by the prescribed time limit and subsequently, announced schedule for bye election to the Andhra Pradesh Legislative Council from Vizianagaram Local Authorities' Constituency on 01st November, 2024 and Notification No. 100/AP-LC/10/2024-LAC, calling upon the said constituency to elect a member to the Andhra Pradesh Legislative Council was issued dated 04th November, 2024, specifying the 28th November, 2024 as the date of poll and the 02nd December, 2024 as the date before which election shall be completed; and

WHEREAS, the Chief Electoral Officer, Andhra Pradesh *vide* letter dated 07th November, 2024 has forwarded a communication of the Standing Counsel of Election Commission, wherein it has been, *inter-alia*, informed that the Hon'ble High Court of Andhra Pradesh, in Writ Petition no.13089/2024 filed by Sh. Indukuri Raghu Raju, was pleased to set aside the Disqualification Order passed by the Chairman, Andhra Pradesh Legislative Council and restored the membership of the petitioner candidate and as a result, as on date, there was no vacancy; and

WHEREAS, the status of the W.P. No. 13089 of 2024, stating that it has been allowed with no costs, has now been obtained from ECI Counsel as well as downloaded from the High Court website; and

WHEREAS, the Election Commission, in light of the abovementioned position of the case brought to its notice, has decided to rescind its Notification No. 100/AP-LC/10/2024-LAC, dated 04th November, 2024;

NOW, THEREFORE, the Election Commission, in pursuance to the Orders of the Hon'ble High Court of Andhra Pradesh as communicated by ECI Counsel and as status available on the High Court website (Disposed -Allowed no cost) and further read with Section 21 of the General Clauses Act, 1897, and all other powers enabling in this behalf, rescinds its Notification No. 100/AP-LC/10/2024-LAC, dated 04th November, 2024. Further, all proceedings and steps taken by the Returning Officer of the said Vizianagaram Local Authorities' Constituency and all other electoral authorities in pursuance of the said notification shall be treated as null and void.

By order,

SUMAN KUMAR DAS,
Secretary,
Election Commission of India.

VIVEK YADAV,
Chief Electoral Officer,
Andhra Pradesh.

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